

DOCKET FILE COPY ORIGINAL

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

In the Matter of)
)
Implementation of the)
Telecommunications Act of 1996:) CC Docket No. 96-115
)
Telecommunications Carriers' Use of Customer)
Proprietary Network Information and Other)
Customer Information)

RECEIVED

JUN 25 1998

COMMENTS OF AIRTOUCH COMMUNICATIONS, INC. FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AIRTOUCH COMMUNICATIONS, INC.

Pamela J. Riley
David A. Gross
1818 N Street, N.W., Suite 800
Washington, DC 20036
(202) 293-3800

Its Attorneys

June 25, 1998

No. of Copies rec'd
List ABCDE

0711

TABLE OF CONTENTS

SUMMARY	i
INTRODUCTION	2
DISCUSSION	3
I. THE FLAGGING AND AUDIT TRAIL REQUIREMENTS ARE UNNECESSARILY COSTLY AND DIFFICULT TO IMPLEMENT AND ARE NOT SUPPORTED BY THE RECORD IN THIS PROCEEDING	3
A. The Flagging and Audit Trail Rules Impose Unreasonably High Financial Costs on Carriers and Will Drain Resources from Carriers' Year 2000 Efforts	4
B. The Commission's Computerized Safeguard Rules Are Not Supported by the Record in the Instant Proceeding	6
II. PETITIONERS HAVE DEMONSTRATED THAT THE COMMISSION MUST FORBEAR FROM ENFORCING THE ANTI-WIN BACK AND CPE/INFORMATION SERVICES RESTRICTIONS ON CMRS PROVIDERS	9
CONCLUSION	13

SUMMARY

AirTouch Communications, Inc. (“AirTouch”) supports petitioners’ requests that the Commission (1) reconsider and eliminate the computerized CPNI safeguards of Sections 64.2009(a) and (c) of the rules, and (2) forbear from applying Sections 64.2005(b)(1) and (b)(3) to CMRS providers. As the Commission’s *Third Annual CMRS Competition Report* testifies, the CMRS industry is highly competitive. However, the Commission’s decision to impose landline monopoly-era CPNI restrictions and computerized safeguards on CMRS providers undermines the Commission’s stated objectives of promoting CMRS competition.

While AirTouch does not oppose other safeguards, the record demonstrates that the computerized safeguards — *i.e.*, the flagging and audit trail requirements — will be extremely costly and difficult to implement. Furthermore, CMRS providers, like other carriers, are currently utilizing financial and personnel resources to address the Year 2000 problem. The flagging and audit trail rules will make these challenges significantly more difficult. Given these difficulties, and that the record does not indicate that competitive CMRS carriers have used CPNI in an anticompetitive or anti-consumer manner, these computerized safeguards are unnecessary for CMRS.

The record in this proceeding also provides an inadequate basis for imposing these costly and burdensome requirements on competitive CMRS providers. The Commission stated in the *CPNI Notice of Proposed Rulemaking* that it did not propose to impose Computer III-type requirements on other carriers. The flagging requirements derive directly from *Computer III*, however, and the audit trail requirement for “access documentation” is as costly and burdensome for CMRS providers — which have never been subject to CPNI restrictions — as the access systems of *Computer III*.

The record in this proceeding does not address the impact of computerized safeguards on competitive CMRS providers, and these requirements should be eliminated on reconsideration.

Petitioners have also demonstrated that all of the prerequisites of Section 10 forbearance are met for CMRS providers, and the Commission must therefore forbear from applying the requirements of Section 64.2005(b)(1) and (b)(3) on CMRS providers. Forbearance is also supported by the *Third CMRS Report*, in which the Commission acknowledged the competitiveness of the wireless industry and that marketing and pricing strategies play an important role in enabling new CMRS entrants to compete. CMRS providers' marketing of CPE and information services is integral to such marketing and pricing strategies, and consumers expect their carrier to advise them of products, services and pricing plans in a manner that requires the use of CMRS-derived CPNI. Finally, Section 10 clearly authorizes the Commission to distinguish between competitive CMRS and other carriers.

BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

In the Matter of)	
)	
Implementation of the)	
Telecommunications Act of 1996:)	CC Docket No. 96-115
)	
Telecommunications Carriers' Use of Customer)	
Proprietary Network Information and Other)	
Customer Information)	

COMMENTS OF AIRTOUCH COMMUNICATIONS, INC.

AirTouch Communications, Inc. ("AirTouch")¹ hereby submits these comments in support of various petitions for reconsideration of the Commission's rules adopted in the *Second Report and Order* in the above-referenced proceeding.² As discussed herein, the Commission should eliminate, at least for CMRS providers, the costly and unnecessary computerized "flagging" and "audit trail" requirements of Sections 64.2009(a) and (c). Furthermore, the record in this proceeding also demonstrates that the Commission must forbear from applying Sections 64.2005(b)(1) and (b)(3) to CMRS providers.

¹ AirTouch is a global wireless communications company with significant interests in domestic and foreign cellular, paging, personal communications services, satellite and other operations. AirTouch Paging, a wholly-owned subsidiary of AirTouch, provides paging services throughout the nation.

² *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, *Implementation of the Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934, as Amended*, CC Docket No. 96-149, *Second Report and Order and Further Notice of Proposed Rulemaking*, FCC 98-27 (released February 26, 1998), 63 Fed. Reg. 20,326 (April 24, 1998) ("CPNI Second Report and Order").

INTRODUCTION

In its recently-released *Third Annual CMRS Competition Report*, the Commission discusses “certain regulatory developments that affect the CMRS industry,” and states that “[c]utting across these various developments are three broad goals: facilitating market entry, increasing flexibility, and mainstreaming CMRS.”³ The Commission describes these goals of CMRS regulation as follows:

- *Facilitating Market Entry.* The Commission states that it “has a strong commitment to maximize the number of viable new entities providing wireless services, *thereby increasing competition in the marketplace.*”
- *Increasing Flexibility.* The Commission states that it “does not wish to impose regulations *that will slow the emergence of new, innovative technologies.*”
- “*Mainstreaming CMRS,*” a.k.a. “*Regulatory Parity.*” Citing to expectations that CMRS may become a direct competitor to land-line service, the Commission describes the implementation of this objective as “crafting regulations that *minimize burdens* but still act to encourage CMRS providers *to enhance their services* in ways that serve the public.”⁴

The Commission’s decision to impose the landline monopoly-era CPNI restrictions and computerized safeguards on CMRS providers undermines the pro-competition, pro-consumer regulatory goals stated in the *Third CMRS Report* through a misguided application of “regulatory parity.” Furthermore, contrary to the Commission’s stated regulatory parity objective, the wireless CPNI requirements addressed herein

³ *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 — Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services, Third Report, FCC 98-91, at 39 (released June 11, 1998) (“Third CMRS Report”).*

⁴ *Id.* at 5-6 (emphasis added).

increase regulatory burdens and *discourage* CMRS providers from continuing to decrease rates and from advising customers of new features. Indeed, as numerous petitioners have demonstrated, the Commission's CPNI rules will instead undermine competition among CMRS providers and hinder the deployment of new technologies, contrary to the goals enumerated in the *Third CMRS Report*.

Further, even assuming *arguendo* that the Commission can rationalize its CPNI requirements under the goals enumerated in the *CMRS Third Report*, as discussed below imposing these requirements on CMRS providers cannot be supported under the Communications Act and the Administrative Procedure Act ("APA"). AirTouch therefore supports petitioners' requests that the Commission (1) eliminate Sections 64.2009(a) and (c) of the rules on reconsideration, and (2) forbear from enforcing Sections 64.2005(b)(1) and (b)(3) on CMRS providers.

DISCUSSION

I. THE FLAGGING AND AUDIT TRAIL REQUIREMENTS ARE UNNECESSARILY COSTLY AND DIFFICULT TO IMPLEMENT AND ARE NOT SUPPORTED BY THE RECORD IN THIS PROCEEDING

AirTouch supports petitioners' request that the Commission eliminate its very costly "flagging" and "audit trail" rules.⁵ Throughout this proceeding, AirTouch has advocated that carriers be required to implement safeguards to ensure against the unlawful use of CPNI. In its initial comments, AirTouch recommended an annual certification requirement and noted the importance of employee training programs —

⁵ See, e.g., BellSouth Petition at 18 (audit trail); Comptel Petition at 21-23 (flagging and audit trail); LCI Petition at 2-6 (same); Omnipoint Petition at 15-17 (same).

recommendations which the Commission eventually incorporated into its rules.⁶ In addition, however, the Commission decided to impose the following *Computer III*-type computerized safeguards on all carriers, including competitive CMRS providers:

- developing and implementing software that indicates within the first few lines of the first screen of a customer's service record the CPNI approval status and references the customer's existing service subscription ("flagging"); and
- maintaining an electronic audit mechanism that tracks access to customer accounts, including when a customer's record is opened, by whom, and for what purpose ("audit trail").⁷

The flagging and audit trail rules are not supported by the record in this proceeding and should be eliminated.

A. The Flagging and Audit Trail Rules Impose Unreasonably High Financial Costs on Carriers and Will Drain Resources from Carriers' Year 2000 Efforts

Petitioners have indicated that implementing the flagging and audit trail rules will be extremely costly and difficult to implement.⁸ Carriers seeking reconsideration of these rules, including those who advocate the use of computerized

⁶ See AirTouch Comments, filed June 11, 1996, at 12-13; 47 C.F.R. §§ 64.2009(b), (e); *CPNI Second Report and Order* ¶¶ 198, 201.

⁷ *CPNI Second Report and Order* at App. B, 47 C.F.R. §§ 64.2009(a), (c).

⁸ See, e.g., AT&T Petition at 8-15; BellSouth Petition at 21; MCI Petition at 37-38; NTCA Petition at 8-10; Sprint Petition at 3-4. These carriers' estimates alone appear to dwarf the Commission's estimate that the aggregate cost would not exceed \$230 million. See 63 Fed. Reg. at 20,327; 63 Fed. Reg. 19,725 (Apr. 21, 1998). AirTouch can confirm that these new regulatory requirements will be very costly to design and implement.

safeguards, oppose the audit trail requirement adopted by the Commission.⁹ In addition, even carriers who support the use of flagging have indicated that implementation of this requirement will take longer than the eight-month grace period,¹⁰ or have requested that this requirement be scaled back considerably.¹¹ The same factors addressed by these carriers — high costs and technical difficulty — are particularly applicable to CMRS providers, which have not previously been subject to CPNI restrictions.¹² Furthermore, as discussed below, CMRS providers were never on notice that these computerized safeguard requirements — previously applicable only to large LECs and IXC — might be imposed on competitive CMRS carriers, and the Commission sought no public comment on the *ex parte* presentations on which the rules are apparently based. Therefore, the Commission should reconsider and eliminate the audit trail and flagging requirements for competitive carriers, including CMRS providers.

AirTouch particularly shares petitioners' concerns regarding the "Year 2000" problem ("Y2K"). As Commissioner Powell recently testified to Congress, there are "many technical and management-oriented challenges that lie ahead."¹³ The flagging and audit trail rules will make these challenges significantly more difficult. AT&T describes the situation facing many carriers in that "developing an electronic audit

⁹ See, e.g., AT&T Petition at 8-13; MCI Petition at 35-36; Sprint Petition at 3-6.

¹⁰ See, e.g., Sprint Petition at 2-3 (24 months).

¹¹ See, e.g., AT&T Petition at 13-15.

¹² See Bell Atlantic Petition at 22; Omnipoint Petition at 13-16.

¹³ Statement of Commissioner Michael K. Powell, Federal Communications Commission, before the Subcommittee on Oversight, Committee on Ways and Means, House of Representatives, June 16, 1998.

mechanism involves the same resources that are currently being employed for the [Y2K] effort and implicates the same sets of systems.”¹⁴ For AirTouch also, the same personnel that would be used to implement the flagging and audit trail systems are already being used to upgrade and test software to address Y2K issues.¹⁵ AirTouch personnel must accomplish all of these tasks simultaneously, and it will be extremely difficult to comply with the eight-month “enforcement forbearance” period afforded under the *CPNI Second Report and Order*. Given these difficulties, together with the absence of a record indicating that CMRS carriers have even used CPNI in a manner that harms competition or consumers (in fact, the record demonstrates the opposite), computerized safeguards are unnecessary for CMRS.¹⁶

B. The Commission’s Computerized Safeguard Rules Are Not Supported by the Record in the Instant Proceeding

In the *Notice of Proposed Rulemaking* initiating the instant proceeding, the Commission noted that it had previously “required AT&T, the BOCs, and GTE to implement computerized safeguards and manual file indicators to prevent unauthorized access to CPNI.”¹⁷ The Commission noted further that other carriers “may wish to adopt

¹⁴ AT&T Petition at 9; *see also* Omnipoint Petition at 15.

¹⁵ In addition, the same personnel needed to implement these CPNI safeguards also are needed to install and test CMRS number portability capabilities, which, absent a deadline extension or forbearance, must be implemented not later than June 30, 1999. *See* 47 C.F.R. § 52.31(a).

¹⁶ *See* Bell Atlantic Petition at 22-23 (carriers should have “discretion as to how to change their databases to comply with the new rules, recognizing that they must be able to document that they are complying with Section 222 and the substantive rules.”).

¹⁷ *Implementation of the Telecommunications Act of 1996: Telecommunications*
(continued...)

some or all of the types of safeguards against unauthorized access to CPNI” applicable to these landline incumbents, and sought comment “regarding whether we should impose on all telecommunications carriers any of the requirements imposed on AT&T, the BOCs, and GTE, or any other safeguard designed to protect unauthorized access to restricted CPNI, and will adopt such requirements *if the record indicates a need for them.*”¹⁸ The Commission added, however, that it “[did] *not* propose to extend . . . pre-existing Computer III CPNI requirements, as modified by the 1996 Act, to other telecommunications carriers, because [it] tentatively conclude[d] that these additional CPNI restrictions are not necessary to secure the public interest objectives of the 1996 Act.”¹⁹

While the Commission confirmed its tentative conclusion “that the Computer III safeguards, as they currently operate, should not be applied to other carriers,” the rules adopted in the *CPNI Second Report and Order* essentially resurrect those requirements.²⁰ The flagging requirements, the Commission acknowledges, derive from restrictions imposed on monopoly BOCs in the *Computer III* proceeding.²¹ The

¹⁷ (...continued)
Carriers’ Use of Customer Proprietary Network Information and Other Customer Information, CC Docket No. 96-115, *Notice of Proposed Rulemaking*, 11 FCC Rcd. 12,513, 12,528 ¶ 35 (1996) (“*CPNI NPRM*”).

¹⁸ *Id.* at 12,528-529 ¶ 36 (emphasis added).

¹⁹ *Id.* at 12,530 ¶ 40 (emphasis added).

²⁰ *See CPNI Second Report and Order* ¶ 193.

²¹ *See CPNI NPRM*, 11 FCC Rcd. at 12,516-517 ¶¶ 5-6, nn.19, 25, 12,528 ¶ 35 (citing *Filing and Review of Open Network Architecture Plans*, 8 FCC Rcd. 2606, 2610-11 ¶¶ 18-26 (1993); *Filing and Review of Open Network Architecture* (continued...)

Commission adopted the audit trail mechanism instead of a *Computer III*-type “mechanical access system,” such as a password/ID system, on the basis that the latter “is expensive to establish and to maintain” and that such restrictions would not “justify the additional expense of such a system, which would be borne by all carriers, including those medium and small sized carriers that have never before been subject to CPNI regulation.”²² From an implementation perspective, however, there is little practical difference between the *Computer III* access restrictions rejected by the Commission and the audit trail requirement of the *CPNI Second Report and Order*, and the Commission’s reasons for rejecting an access system apply with equal force to the audit trail.²³

AirTouch agrees with other carriers that the record in this proceeding provides an inadequate basis for imposing the costly and burdensome flagging and audit trail requirements on competitive service providers.²⁴ The only record support cited in favor of the flagging requirement is three *ex parte* presentations.²⁵ As support for the assertion that the audit trail mechanism “will not be overly burdensome,” the Commission similarly cites to four *ex parte* presentations.²⁶ These presentations — none of which address the impact of computerized safeguards on competitive CMRS providers —

²¹ (...continued)
Plans, 4 FCC Rcd. 1, 222-24 (1989) (“*BOC ONA Order*”).

²² See *CPNI Second Report and Order* ¶¶ 195-197, 199.

²³ See *supra* note 8 (petitions discussing cost and implementation difficulties).

²⁴ See BellSouth Petition at 18-24; CompTel Petition at 21-23; LCI Petition at 16-18.

²⁵ See *CPNI Second Report and Order* ¶ 198, n.689.

²⁶ See *id.* ¶ 199, n.692.

were filed over one year after the public comment period ended, and carriers were never afforded the opportunity to comment meaningfully on flagging and audit trail requirements discussed in those presentations. It is noteworthy that while the Commission prominently cites to an October 27, 1997 AirTouch *ex parte* presentation in support of the audit trail mechanism, this cited AirTouch filing does not address computerized CPNI safeguards in any way, much less whether access documentation requirements akin to those adopted by the Commission are burdensome.²⁷ For all of these reasons, the Commission's flagging and audit trail requirements should be eliminated on reconsideration.

II. PETITIONERS HAVE DEMONSTRATED THAT THE COMMISSION MUST FORBEAR FROM ENFORCING THE ANTI-WIN BACK AND CPE/INFORMATION SERVICES RESTRICTIONS ON CMRS PROVIDERS

Petitioners have demonstrated that the Commission must forbear from enforcing the requirements of Sections 64.2005(b)(1) and (3) on CMRS providers.²⁸ The policy underlying Section 10 forbearance is simple: in a competitive industry, it is market forces — not regulatory fiat — that further the pro-consumer, pro-competition objectives of the Communications Act.²⁹ Further, where a regulation or provision of the

²⁷ See AirTouch *Ex Parte* Presentation, CC Docket No. 96-115, WT Docket No. 96-162; see also BellSouth Petition at 20 n.48 (discussing U S WEST November 14, 1998 *ex parte* filing).

²⁸ See, e.g., CommNet Cellular Petition at 4-10; CTIA Petition at 34-42; GTE Petition at 12-15, 24-26, 37-39; PrimeCo Petition at 11-16; 360 Communications Petition at 3-6.

²⁹ See 47 U.S.C. § 160(a)(1)-(3); PrimeCo Petition at 12-16; CTIA Petition at 34-42.

Act is unnecessary to meet the Act's objectives, the Commission *must* exercise its Section 10 forbearance authority.³⁰ AirTouch agrees with petitioners CTIA, PrimeCo, and others that all prerequisites of Section 10 forbearance are met regarding these matters.³¹

Petitioners' arguments are bolstered by the *Third CMRS Report*, in which the Commission acknowledged the competitiveness of the wireless industry. The Commission reported that 273 BTA markets, containing 87 percent of the nation's total POPs, have three or more mobile telephone operators offering service, and 135 of those BTAs, representing over 68 percent of the nation's POPs, have 4 to 6 providers.³² In the narrowband PCS and messaging segment, there were an average of 29 paging licensees in the 25 largest cities, and 12 in the smallest MSAs.³³ The Commission also noted studies indicating that prices in competitive markets decreased substantially in 1997.³⁴ Importantly, the Commission acknowledged that marketing and pricing strategies have played a crucial role in enabling new CMRS entrants to compete.³⁵ In this regard, petitioners have demonstrated in the instant proceeding not only that CMRS providers' marketing of CPE and information services are integral to such marketing and pricing

³⁰ 47 U.S.C. § 160(a).

³¹ See *supra* note 28. Forbearance from applying Sections 64.2005(b)(1) and (b)(3) to CMRS providers necessitates forbearance from applying Section 64.2007(a) as well.

³² *Third CMRS Report* at 18.

³³ *Id.* at 41.

³⁴ *Id.* at 19-20, 40.

³⁵ *Id.* at 24-26, 62.

strategies, but that consumers *expect* their carrier to advise them of products, services and pricing plans in a manner that requires the use of CMRS-derived CPNI.³⁶

Sections 64.2005(b)(1) and (b)(3) undermine the very pro-competitive carrier activities touted by the Commission in its *Third CMRS Report* and which Congress intended to foster in the 1993 Budget Act and the Telecommunications Act of 1996. Indeed, given the level of CMRS competition, it is “difficult to comprehend why rules deemed unnecessary in the past, when the CMRS market was less competitive, can be justified now that the market is fiercely competitive.”³⁷

Importantly, petitioners have also demonstrated that principles of “regulatory parity” or “mainstreaming CMRS” do not supersede the forbearance mandate of Section 10. The Commission concluded in the *CPNI Second Report and Order* that “Congress did not intend to, and we should not at this time, distinguish among carriers for the purpose of applying section 222(c)(1)” and that Section 222 “does not distinguish

³⁶ See, e.g., CTIA Petition at 7-13; Omnipoint Petition at 7-9; PCIA Petition at 7-13; PrimeCo Petition at 3; Vanguard Petition at 9-15. The Commission rejected forbearance in the *CPNI Second Report and Order* in part because it was “not persuade[d] that customers of small businesses have less meaningful privacy interests in their CPNI.” *CPNI Second Report and Order* ¶ 50. AirTouch submits that there is no issue of whether CMRS customers have “less meaningful privacy interests in their CPNI” — clearly their privacy interests are not “less meaningful” than other carriers’ customers. Rather, the issue under Section 10(a)(2) is whether enforcement of these rules is necessary for the protection of those consumer interests. See 47 U.S.C. § 160(a)(2); PrimeCo Petition at 13-14, 15. Petitioners have demonstrated both that enforcement of these rules does not implicate consumer privacy interests and, in any event, that CMRS providers’ use of CPNI to offer CPE and information services is consistent with consumers’ expectations regarding the provision of competitive wireless services.

³⁷ PrimeCo Petition at 13; see also *Third CMRS Report* at 51.

among classes of carriers.”³⁸ As a threshold matter, however, the Commission *already* imposes varying degrees of regulation on different classes of carriers even where the Communications Act does not expressly provide for such treatment.³⁹ Moreover, as the Commission itself tacitly acknowledged in the *CPNI Second Report and Order*, Section 222 cannot be read in isolation from Section 10.⁴⁰ The Act’s Section 10 forbearance requirements expressly apply “to a telecommunications carrier or telecommunications service, or class of telecommunications carriers or telecommunications services” where the forbearance prerequisites are met.⁴¹ Thus, given Section 10’s clear mandate, the Commission’s conclusion that “Congress did not intend to . . . distinguish among carriers for the purpose of applying section 222(c)(1)” is premised on an incomplete and erroneous reading of the Communications Act. Petitioners have demonstrated that the Commission has the authority — and the obligation — to forbear from enforcing these rules on CMRS carriers.

³⁸ *CPNI Second Report and Order* ¶ 49.

³⁹ For example, nondominant landline carriers are subject to different tariffing and Section 214 regulations than dominant carriers. *See* 47 C.F.R. Parts 61 and 63.

⁴⁰ *Id.* ¶ 50, n.187 (commenting party must explain adequately how forbearance “meets the three statutory criteria,” citing 47 U.S.C. § 160); *see also Gustafson v. Alloyd Co., Inc.*, 115 S. Ct. 1061, 1069 (1995) (courts will avoid a reading of a statute which renders some words all together redundant); *O-M Bread, Inc. v. U.S. Olympic Committee*, 65 F.3d 933, 937 (Fed. Cir. 1995) (statute must be construed to give effect to all its provisions, and not to diminish any of them); *Security Pacific Nat. Bank v. RTC*, 63 F.3d 900, 905 (9th Cir. 1995), *cert. denied*, 116 S. Ct. 1316 (1996) (court must avoid statutory construction which fails to give effect to every subsection of enactment); *United States v. McLymont*, 45 F.3d 400, 401 (11th Cir. 1995), *cert. denied*, 115 S. Ct. 1723 (1996) (court must construe statute so each of its provisions is given full effect).

⁴¹ *See* 47 U.S.C. § 160(a) (emphasis added); CTIA Petition at 34-35; PrimeCo Petition at 11.

CONCLUSION

For the foregoing reasons, AirTouch supports those petitions requesting that the Commission (1) eliminate the flagging and audit trail requirements of Sections 64.2009(a) and (c), and (2) forbear from applying Sections 64.2005(b)(1) and (b)(3) to CMRS providers.

Respectfully submitted,

AIRTOUCH COMMUNICATIONS, INC.

A handwritten signature in black ink that reads "David A. Gross" followed by a stylized flourish or "com".

By: Pamela J. Riley
David A. Gross

1818 N Street, N.W., Suite 800
Washington, DC 20036
(202) 293-3800

Its Attorneys

June 25, 1998

CERTIFICATE OF SERVICE

I, Robert Morse, hereby certify that I have on this 25th day of June, 1998 caused a copy of the foregoing Comments of AirTouch Communications, Inc. to be served by first class U.S. mail, postage prepaid, to the following:

The Honorable William E. Kennard*
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

The Honorable Harold Furchtgott-Roth*
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Susan Ness*
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

The Honorable Michael Powell*
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

The Honorable Gloria Tristani*
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Daniel Phythyon, Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Rosalind K. Allen*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Jeanine Poltronieri*
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

A. Richard Metzger, Jr.*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 712
Washington, D.C. 20554

Janice M. Myles*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 544
Washington, D.C. 20554

Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry
Association
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

John F. Raposa
GTE Service Corp.
600 Hidden Ridge, HQE03J27
Irving, TX 75038

Gail L. Polivy
GTE Service Corp.
1850 M Street, N.W.
Washington, D.C. 20036

R. Michael Senkowski
Michael Yourshaw
Gregory J. Vogt
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

International Transcription Services*
1231 20th Street, N.W.
Washington, D.C. 20036

Leon M. Kestenbaum
Jay C. Keithley
Michael B. Fingerhut
Attorneys for Sprint Corporation
1850 M Street, N.W. 11th Floor
Washington, DC 20036

Frank W. Krogh
Mary L. Brown
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

S. Mark Tuller
Vice President, Secretary and General
Counsel
Bell Atlantic Mobile, Inc.
180 Washington Valley Road
Bedminster, NJ 07921

John T. Scott, III
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Peter M. Connolly
Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

James J. Halpert
Mark J. O'Connor
Piper & Marbury LLP
1200 19th Street, N.W., 7th Floor
Washington, D.C. 20036

Robert Hoggarth
Senior Vice President, Paging and
Messaging
Personal Communications Industry
Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314

Raymond G. Bender, Jr.
J.G. Harrington
Kelli Jareaux
Dow, Lohnes & Albertson, PLLC
Suite 800
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Cheryl A. Tritt
James A. Casey
Morrison & Foerster LLP
Suite 5500
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Mary McDermott
Linda Kent
Keith Townsend
Lawrence E. Sarjeant
United States Telephone Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Kathryn Marie Krause
U S WEST Communications, Inc.
Suite 700
1020 - 19th Street, N.W.
Washington, D.C. 20036

Mark C. Rosenblum
Judy Sello
AT&T Corp.
Room 3245I1
295 North Maple Avenue
Basking Ridge, NJ 07920

Michael S. Pabian
Counsel for Ameritech
Room 4H82
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
Irving, TX 75038

Gail L. Polivy
GTE Service Corporation
1850 M Street, N.W.
Washington, D.C. 20036

Stephen G. Kraskin
Sylvia Less
March E. Greenstein
Kraskin, Lesse & Cosson, LLP
2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Lawrence W. Katz
Attorney for the Bell Atlantic Telephone
Companies
Eight Floor
1320 North Court House Road
Arlington, VA 22201

Genevieve Morelli
Executive Vice Pres. and General Counsel
Competitive Telecommunications Ass'n
1900 M Street, N.W., Suite 800
Washington, DC 20036

William L. Roughton, Jr.
Associate General Counsel
PrimeCo Personal Communications, L.P.
601 13th Street, N.W. Suite 320 South
Washington, DC 20005

M. Robert Sutherland
A. Kirven Gilvert III
BellSouth Corporation
Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309

L. Marie Guillory
Jill Canfield
National Telephone Cooperative Association
2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Robert M. Lynch
Durward D. Dupre
Michael J. Zpevak
Robert J. Gryzmala
SBC Communications Inc.
One Bell Center, Room 3532
St. Louis, MO 63101


Robert J. Aamoth
Steven A. Augustino
Kelley Drye & Warren LLP
1200 19th Street, N.W. Suite 500
Washington, DC 20036

Douglas W. Kinkpoh
J. Scott Nicholls
LCI International Telecom Corp.
8180 Greensboro Dr., Suite 800
McLean, VA 22102

Brad E. Mutschelknaus
Steven A. Augustino
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036

Kawrence W. Katz
Attorney for the Bell Atlantic Companies
1320 N. Court House Rd.
8th Floor
Arlington, VA 22201

Benjamin H. Dickens, Jr.
Gerard J. Duffy
Susan J. Bahr
Attorneys for CommNet Cellular, Inc.
Blooston, Mordkofsky, Jackson & Dickens
Suite 300, 2120 L Street, NW
Washington, DC 20037


Robert G. Morse

*By Hand